

JUDICIAL
WORKLOAD
STATISTICS

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

CLERK'S ANNUAL REPORT
JULY 2001 - JUNE 2002

P R E F A C E

This report provides information on the judicial business of the United States Court of Appeals for the Fifth Circuit for the period from July 1, 2001 through June 30, 2002.

Please note that our statistics refer to both "appeals" and "cases." In general, the term "appeals" refers to all filings reported to the Administrative Office. This includes additional appeals, cross appeals, consolidated appeals, successive habeas corpus and in forma pauperis mandamus applications, as well as petitions for review and paid mandamus applications. When we refer to "cases" we are referring to actual workload credit. An example would be a main appeal with a cross appeal. We would count this as two "appeals," but only one "case" because the court works on the main and the cross appeal together. Statistics counting "cases" provide a more accurate and realistic picture of the actual workload of our judges.

A summary of the report appears at page (i).

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CLERK

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SUMMARY OF ANNUAL REPORT

The following summarizes the court's judicial business in tabular form:

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
New Appeals	7678	8575*	8519*	8061	8616	8758
Terminations	7447	7267	8592	8810	8754	8426
By Judges	4507	4239	5093	5740	5658	5472
By Clerk	1897	2111	2408	2200	2186	2128
By Consolidation	1043	917	1091	870	910	826
Pending Appeals	4887	5729	5321	4671	4533	4866
Total Cases Screened for Decision as to Oral Argument	3114	2653	2940	3012	3217	3085
Cases Sent to:						
Summary Calendar	1699	1396	1508	1474	1437	1387
Conference Calendar	463	443	483	607	870	887
Oral Argument Calendar	952	814	949	931	910	811
Summary Calendar Rate	64.1%	63.2%	61.4%	61.4%	61.2%	63.1%
Conference & Summary Calendar Rate	69.4%	69.3%	67.7%	69.1%	71.7%	73.7%
Backlog of Cases Ready for Argument	0	14	230	151	163	145
Cases Pending Under Submission	171	173	156	164	153	168
90-day Cases	63	69	51	59	57	60
Total Opinions	3192	2804	3143	3290	3369	3305
Published Opinions	585	580	740	614	543	499
Unpublished Opinions	2607	2224	2403	2676	2826	2806
Opinions Per Active Judge	175	155	168	201	205	199
Publication Rate	21.5%	24.8%	23.5%	18.7%	16.1%	15.1%
Page Length of Published Opinions	6.8	7.6	15.7	7.5	8.0	7.8
Participations per Active Judge in Opinions	528	465	507	609	615	597
En Banc Cases	6	10	10	9	6	10
Motions Per Active Judge	412	944**	1058	1076	1160	1170

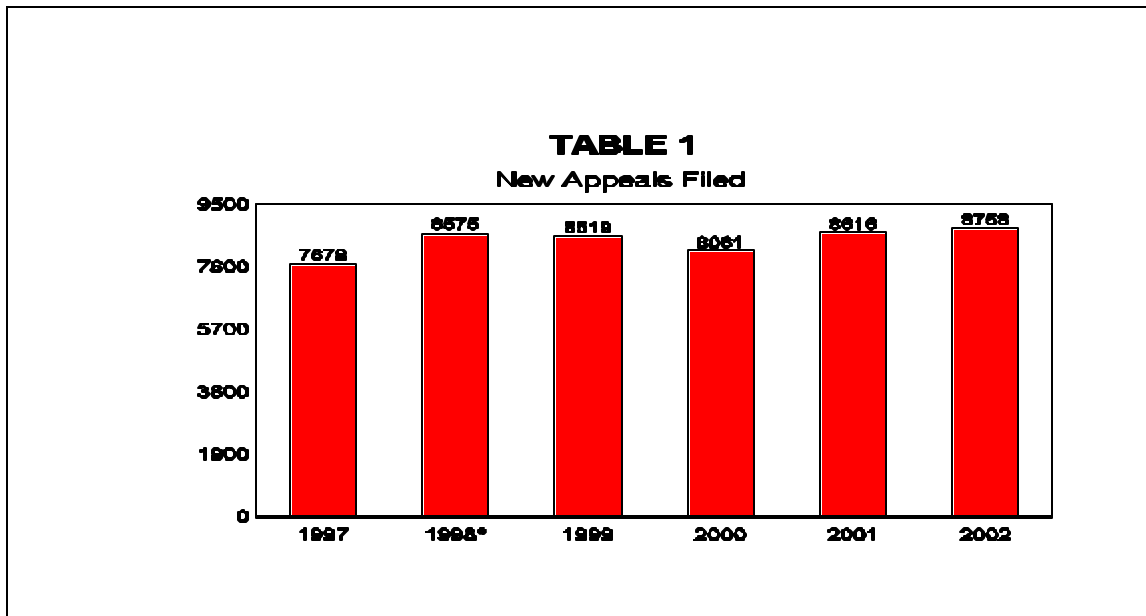
* To give a better measure of actual work handled, we have included successive habeas corpus and IFP mandamus actions into these figures, even though the A.O. did not recognize these appeals officially until October 1, 1998.

** Calculation adjusted beginning in 1998 to more accurately reflect participations as a panel member on "three judge" motions.

A. NEW FILINGS

1. New Appeals Filed

The chart below shows the "new appeals" filing trends. Note that this year our new appeals increased by 142 (1.6%) to 8758 appeals. Significantly, diversity appeals increased by 31%, prisoner petitions were up over 5%, and direct and indirect criminal appeals climbed almost 5%. Successive habeas corpus petitions declined by nearly 1/3. Agency appeals dropped almost 20% and civil rights appeals fell by 10%.



* After October 1, 1998, we were permitted to add successive habeas corpus cases and IFP mandamus actions to our general docket. 1998 and 1999 figures have been adjusted to include these for the entire year.

2. Source of New Appeals by Type

The source of appeals by type is found in the following tables, the first shows the six year trend; the second graphically displays the 2002

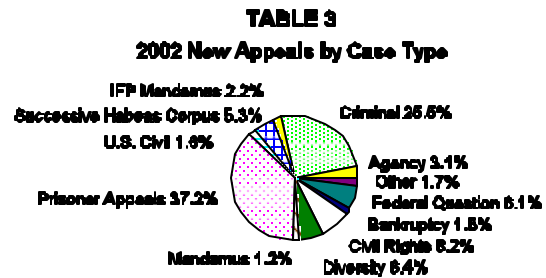
data. (See also column (d) of the monthly cumulative reports of new appeals by type at **Enclosure A**, page 21.

TABLE 2

	<u>1997</u>	<u>1998</u>	<u>1999*</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Change from '01</u>	
							<u>No.</u>	<u>%</u>
Criminal	1626	1531	1547	1721	2135	2237	+102	+ 4.8
Prisoner Appeals	3206	3622	3540	3090	3086	3263	+177	+ 5.7
Successive Habeas Corpus	-	348	333	433	685	462	-223	- 32.5
IFP Mandamus	-	199	206	173	176	189	+ 13	+ 7.4
Federal Question	468	567	560	485	502	535	+ 33	+ 6.6
Diversity	505	515	575	479	426	559	+133	+ 31.2
U.S. Civil	247	188	186	196	135	141	+ 6	+ 4.4
Tax	16	28	27	21	14	20	+ 6	+ 42.9
Tax Court	37	27	21	9	22	26	+ 4	+ 18.2
Civil Rights	856	894	949	850	795	715	- 80	- 10.0
Bankruptcy	180	192	185	159	141	135	- 6	- 4.3
Social Security	67	95	75	80	80	77	- 3	- 3.7
N.L.R.B.	17	7	17	18	9	24	+ 15	+166.7
Mandamus	95	102	76	77	75	106	+ 31	+ 41.3
Agency	<u>358</u>	<u>260</u>	<u>222</u>	<u>270</u>	<u>335</u>	<u>269</u>	<u>- 66</u>	<u>- 19.7</u>
	7678	8575	8519	8061	8616	8758	+142	+ 1.6

* After October 1, 1998, we were permitted to add successive habeas corpus cases and IFP mandamus actions to our general docket. 1998 and 1999 figures have been adjusted to include these for the entire year.

Our biggest increases in filings were in prisoner, diversity and criminal appeals. Successive habeas corpus petitions dropped significantly.



3. Source of New Appeals by Districts

Four of the nine districts showed an increase in appeals filed. Filings in the Southern and Eastern Districts of Texas had the most significant increases.

TABLE 4

New Appeals by Districts
(All Appeals)

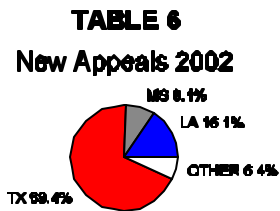
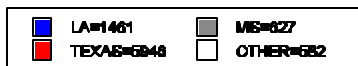
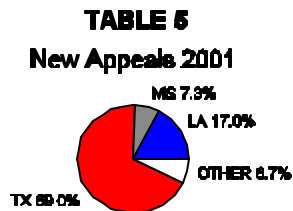
	<u>1997</u>	<u>1998*</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Change</u> <u>from '01</u>
Louisiana Eastern	649	732	815	745	711	678	- 33
Louisiana Middle	221	217	189	255	220	214	- 6
Louisiana Western	<u>447</u>	<u>550</u>	<u>532</u>	<u>587</u>	<u>530</u>	<u>516</u>	<u>- 14</u>
Sub Total	1317	1499	1536	1587	1461	1408	- 53

TABLE 4
(Continued)

Mississippi Northern	225	241	258	320	233	295	+ 62
Mississippi Southern	<u>327</u>	<u>370</u>	<u>356</u>	<u>371</u>	<u>394</u>	<u>418</u>	<u>+ 24</u>
Sub Total	552	611	614	691	627	713	+ 86
Texas Northern	1543	1650	1557	1370	1615	1526	- 89
Texas Southern	1664	1901	2009	1916	2077	2219	+142
Texas Eastern	877	1047	956	815	780	929	+149
Texas Western	<u>1038</u>	<u>1279</u>	<u>1326</u>	<u>1148</u>	<u>1474</u>	<u>1403</u>	<u>- 71</u>
Sub Total	5122	5877	5848	5249	5946	6077	+131
Agency	358	260	222	270	335	269	- 66
Bankruptcy	180	192	185	159	141	135	- 6
U. S. Tax Court	37	27	21	9	22	26	+ 4
NLRB	17	7	17	18	9	24	+ 15
Mandamus	<u>95</u>	<u>102</u>	<u>76</u>	<u>78</u>	<u>75</u>	<u>106</u>	<u>+ 31</u>
Sub Total	687	588	521	534	582	560	- 22
TOTAL	7678	8575	8519	8061	8616	8758	+142

*After October 1, 1998, we were permitted to add successive habeas corpus cases and IFP mandamus actions to our general docket. 1998 and 1999 figures have been adjusted to include these for the entire year.

A comparison of the percentage of appeals by states for 2001 and 2002 is shown on the following charts:



B. CLOSED APPEALS

1. Yearly Comparison

The court disposed of 328 fewer appeals this year, a decrease of 3.7%. There was a 3.1% decrease in case disposals.

TABLE 7

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Change from '01</u>	
All Appeals	7447	7267	8592	8810	8754	8426	-328	-3.7%
Cases	6404	6350	7501	7940	7844	7600	-244	-3.1%

2. Method of Disposition

Overall, the court disposed of 244 fewer cases than last year. There were 58 fewer opinions, and other judicial dispositions decreased by 128. Clerk dispositions decreased by 58.

TABLE 8

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Change from '01</u>	
By Opinion*	3140	2756	3122	3259	3347	3289	-	58
Other Judicial Dispositions	<u>1367</u>	<u>1483</u>	<u>1971</u>	<u>2481</u>	<u>2311</u>	<u>2183</u>	-	128
Total Judicial Dispositions	4507	4239	5093	5740	5658	5472	-	186
By Clerk	<u>1897</u>	<u>2111</u>	<u>2408</u>	<u>2200</u>	2186	<u>2128</u>	-	58
Closed Cases	6404	6350	7501	7940	7844	7600	-	244

* Does not include opinions which were non-dispositive.

C. UNDISPOSED OF (PENDING) APPEALS

The court disposed of 8426 appeals compared to 8758 filed.

There are 4226 cases pending this year compared with 3894 last year.

TABLE 9

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>% Change</u>
All Appeals Pending	4887	5729	5321	4671	4533	4866	+ 7.3%
Cases	3971	4765	4615	3845	3894	4226	+ 8.5%

The 4226 pending cases are broken down into two sub-categories:

1. Cases Under Submission

Excluding cases consolidated for argument and decision (4); held in abeyance by the judges (5); and opinions at the printer on June 30, but not released (7), the pending cases argued and awaiting decision increased slightly in comparison to last year:

TABLE 10

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Active Judges	142	137	138	130	126	148
Senior & Visiting Judges	<u>21</u>	<u>20</u>	<u>13</u>	<u>46</u>	<u>31</u>	<u>26</u>
Total	163	157	151	176	157	174

2. Unassigned Carry-Over

All cases briefed but not yet argued or decided and all unbriefed cases are reported as "Unassigned Carry-Over" (see Table 12 for details). There were 213 more unassigned cases this year. This leaves 4037 cases which are the immediate future workload of the

court. The following chart gives the six year trend:

TABLE 11

	<u>Unassigned Cases</u>	<u>New Appeals</u>	<u>% Unassigned Cases to New Appeals</u>
1997	3797	7678	49.5
1998	4582	8575*	53.4
1999	4448	8519	52.2
2000	3645	8061	45.2
2001	3724	8616	43.2
2002	4037	8758	46.1

* 1998 and 1999 figures have been adjusted to include successive habeas corpus and IFP mandamus actions.

The 4037 unassigned cases fall into the following categories:

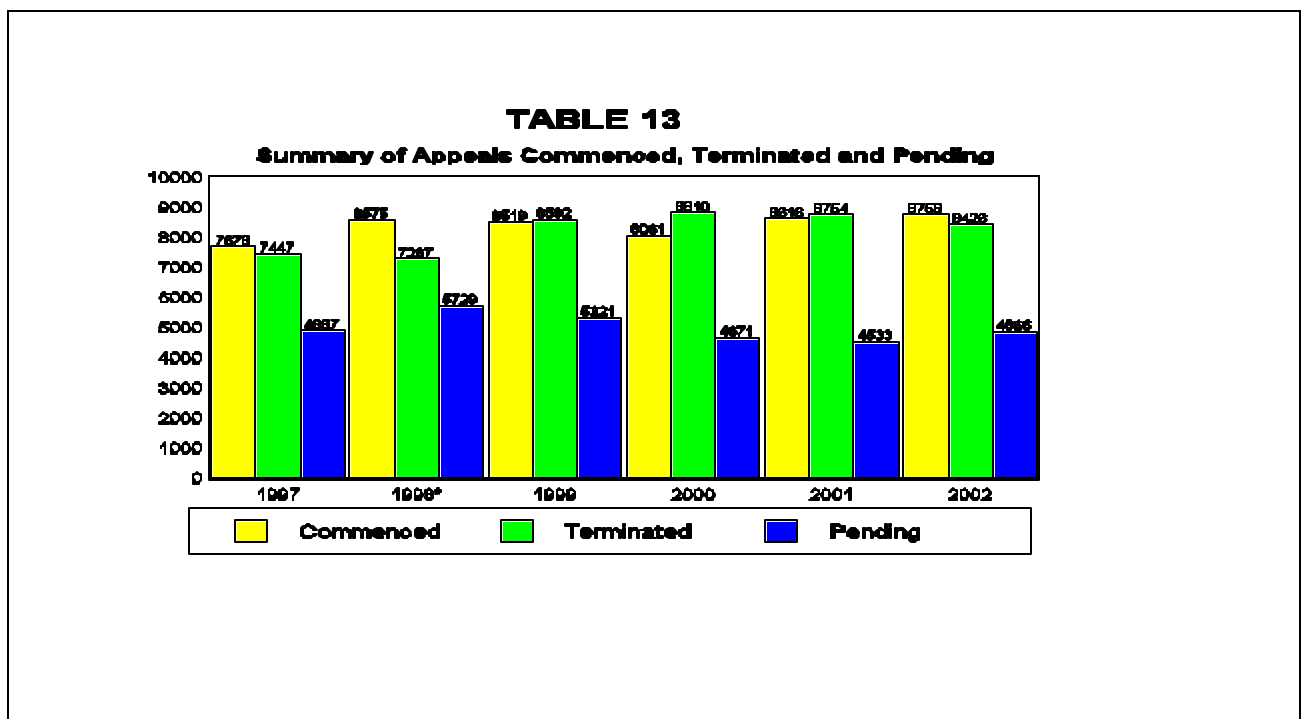
TABLE 12

(a) <u>Already Briefed</u>	<u>2001</u>	<u>2002</u>
Calendared for Oral Argument	111	103
Briefed but Held in Abeyance	34	32
Awaiting Assignment to Oral Argument Calendar	163	145
Being Screened	380	481
Awaiting Assignment to Augean Conference	71	45
Awaiting Assignment to Conference Calendar	<u>181</u>	<u>166</u>
Sub Total	940	972

(b) <u>Unbriefed Cases</u>	<u>2001</u>	<u>2002</u>
Pre-Briefing	1107	1343
Records Due	132	209
Being Briefed	1179	1228
Stayed/Held in Abeyance	167	110
Awaiting DC Action*	<u>199</u>	<u>175</u>
Sub Total	<u>2784</u>	<u>3065</u>
Total	3724	4037

* Cases "Awaiting DC Action" capture those cases unable to proceed because of pending motions with the district courts.

D. SUMMARY OF APPEALS COMMENCED, TERMINATED AND PENDING



* 1998 and 1999 figures have been adjusted to include successive habeas corpus and IFP mandamus actions.

E. OPINIONS

1. Number of Opinions, Published and Unpublished

The total number of opinions decreased by 64. The figures for the total opinions, including the numbers published and unpublished for the last six years are:

TABLE 14

<u>Year</u>	<u>Total Opinions</u>	<u>Published</u>	<u>Unpublished</u>
1997	3192	585	2607
1998	2804	580	2224
1999	3143	740	2403
2000	3290	614	2676
2001	3369	543	2826
2002	3305	499	2806

2. Types of Opinions

The percentage of signed opinions decreased by 1.9% this year, while the percentage of per curiam opinions increased by 2.1%.

TABLE 15

<u>Year</u>	<u>Signed</u>	<u>Per Curiam</u>	<u>Rule 47.6</u>
1997	20.5%	77.1%	2.4%
1998	20.9%	77.1%	2.0%
1999	25.5%	73.1%	1.4%
2000	19.9%	78.9%	1.2%
2001	18.0%	80.7%	1.3%
2002	16.1%	82.8%	1.1%

3. Breakdown of Types of Opinions by Summary, Oral Argument and Conference Calendars

The types of opinions on the summary, oral argument and conference calendars are as follows:

(a) Summary Calendar

The number of summary calendar decisions decreased by 42 from 1445 to 1403, but there was a slight increase in the percentage of signed opinions on the summary calendar.

TABLE 16

	<u>Signed</u>	<u>Per Curiam</u>	<u>Rule 47.6</u>	<u>Total</u>
1997	8.5%	91.0%	.5%	100.0%
1998	6.3%	93.5%	.2%	100.0%
1999	7.3%	92.2%	.5%	100.0%
2000	4.4%	95.5%	.1%	100.0%
2001	3.7%	96.2%	.1%	100.0%
2002	4.2%	95.7%	.1%	100.0%

(b) Oral Argument Calendar

The percentage of signed opinions on the oral argument calendar decreased this year by 5.9%. The percentage of per curiam opinions increased by 6.6%.

TABLE 17

	<u>Signed</u>	<u>Per Curiam</u>	<u>Rule 47.6</u>	<u>Total</u>
1997	51.7%	41.6%	6.7%	100.0%
1998	36.5%	59.7%	3.8%	100.0%
1999	61.4%	35.2%	3.4%	100.0%
2000	51.0%	45.6%	3.4%	100.0%

2001	54.1%	41.8%	4.1%	100.0%
2002	48.2%	48.4%	3.4%	100.0%

(c) Conference Calendar

There were 919 conference calendar opinions this year compared to 900 last year.

4. Published and Unpublished Opinions

Of the 3,305 opinions, 499 (15.1%) were published. The number of published opinions decreased by 64 from the preceding year.

(a) Number and Percentage - 2002

TABLE 18

	<u>Published</u>		<u>Unpublished</u>		<u>Total</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	
Signed Opinions	438	82.2	95	17.8	533
Per Curiam Opinions	61	2.2	2676	97.8	2737
Rule 47.6 Opinions	<u>—</u>	<u>—</u>	<u>35</u>	<u>100.0</u>	<u>35</u>
Total	499	15.1	2806	84.9	3305

(b) Percentage Comparison (Published) - 1997 - 2002

TABLE 19

	<u>% Published</u>					
	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Signed Opinions	73.7	83.8	81.8	80.4	77.7	82.2
Per Curiam Opinions	5.1	5.2	3.7	3.4	2.7	2.2

All Opinions	21.5	24.8	23.5	18.7	16.1	15.1
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(c) Length of Published Opinions

The average page length of opinions is down slightly from 2001.

TABLE 20

<u>Year</u>	<u>Pages</u>
1997	6.8
1998	7.6
1999	15.7
2000	7.5
2001	8.0
2002	7.8

5. Reversal Rate

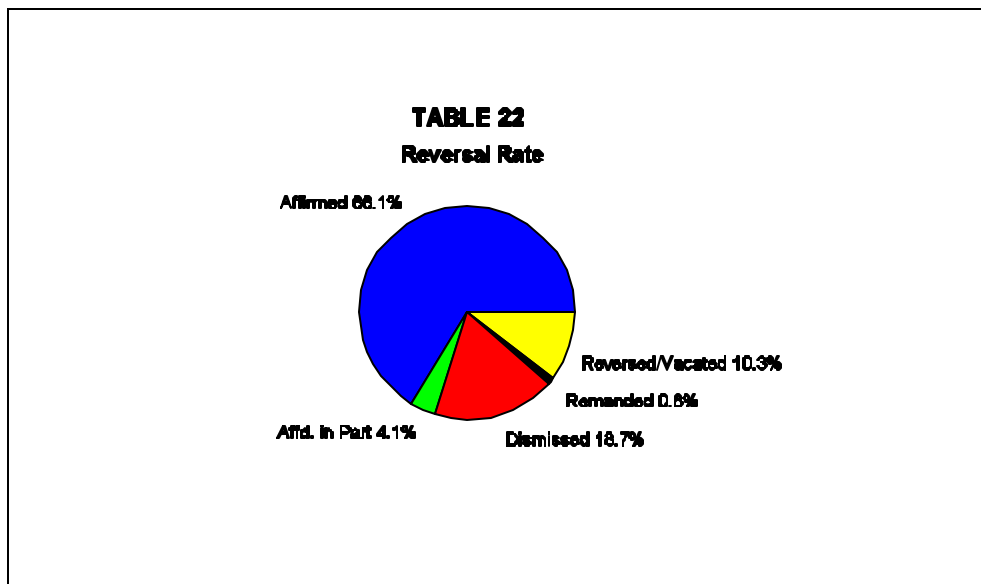
The 2002 reversed/vacated rate of 10.3% is higher than the 8.5% reversed/vacated rate in 2001.

TABLE 21

	<u>2002</u>						<u>2001</u>		
	<u>Summary</u>		<u>Hearing</u>		<u>Conference</u>		<u>Overall</u>		<u>%</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>Calendar</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	
Affirmed	1073	76.5	562	57.2	550	59.8	2185	66.1	67.8
Affd. in Part	44	3.1	87	8.8	3	.3	134	4.1	4.8
Dismissed	201	14.3	57	5.8	360	39.2	618	18.7	17.8
Remanded	7	.5	19	1.9	0	0	26	.8	1.1
Transferred	0	0	0	0	0	0	0	0	0

Reversed/Vacated*	<u>78</u>	<u>5.6</u>	<u>258</u>	<u>26.3</u>	<u>6</u>	<u>.7</u>	<u>342</u>	<u>10.3</u>	<u>8.5</u>
Total	1403	100.0	983	100.0	919	100.0	3305	100.0	100.0

* The reversed and vacated categories are being reported together to make our reporting more consistent with the Administrative Office scheme.



F. WORKLOAD PER ACTIVE JUDGE

1. Opinion Output - Per Active Judge

The average opinion output for each of the active judges who participated in disposing of cases on the merits on the summary, oral argument and conference calendars for the reporting year from July 1, 2001 through June 30, 2002. The opinion output per active judge decreased by 6 cases over last year.

2. Opinion Output - Overall - 1997 - 2002

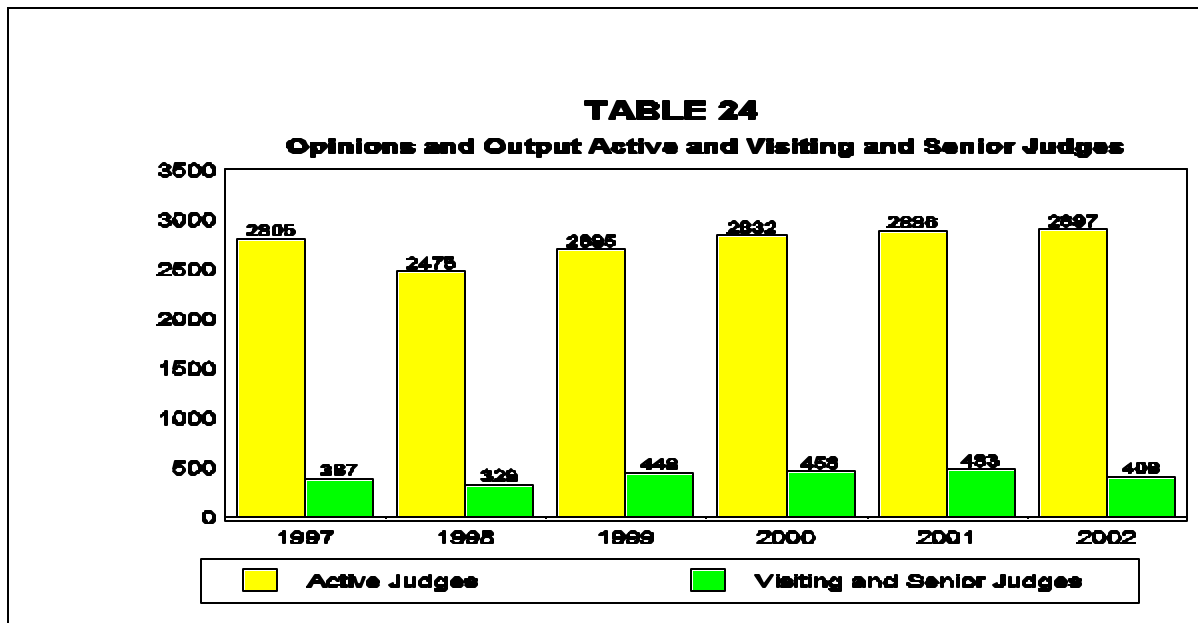
The opinion workload for the entire court as well as for the

active judges alone is shown in the following table:

TABLE 23

<u>Year</u>	(a)* Opinions by Active <u>Judges</u>	(b)* Opinions by Non-Active <u>Judges</u>	(c) Total Opinion <u>Output</u>	(d) Opinions per Active <u>Judge</u>
1997	2805	387	3192	175
1998	2475	329	2804	155
1999	2695	448	3143	168
2000	2832	458	3290	201
2001	2886	483	3369	205
2002	2897	408	3305	199

* Includes Augean conference.



3. Overall Workload

The average number of opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, conference calendar panels, Auguean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, the judges handled 35 fewer matters per judge than last year. **Enclosure B**, page 21, shows the total average annual workload per active judge, based on the court's summary calendar rate of approximately 63.1% of the caseload; seven sessions of court per active judge; and other workload figures as follows:

TABLE 25

	<u>Per Active Judge</u>					
	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Opinions and Participations in Opinions	528	465	507	609	615	597
Suggestions for Rehearing En Banc	184	168	175	237	239	212
Administrative-Interim Motions	<u>412</u>	<u>944*</u>	<u>1058</u>	<u>1076</u>	<u>1160</u>	<u>1170</u>
Total Workload	1124	1577	1740	1922	2014	1979

* Calculation adjusted beginning in 1998 to more accurately reflect participations as a panel member on "three judge" motions.

G. SCREENING CLASSIFICATIONS

1. Cases Screened by Judges

The following table demonstrates the number and percentages of the cases disposed of with and without oral argument, reflecting a relatively consistent, but slightly rising percentage of cases not requiring oral argument:

TABLE 26

Statistical Year	Class						Total	
	I and II		III		IV			
	(No Argument)		(Limited Argument)		(Full Argument)			
	No.	%	No.	%	No.	%	No.	%
1997	2164 ¹	69.5	950	30.5	1	0.0	3115 ¹	100.0
1998	1838 ²	69.3	810	30.5	5	0.2	2653 ²	100.0
1999	1991 ³	67.8	942	32.0	7	0.2	2940 ³	100.0
2000	2081 ⁴	69.1	931	30.9	0	0.0	3012 ⁴	100.0
2001	2307 ⁵	71.1	905	28.1	5	0.2	3217 ⁵	100.0
2002	2274 ⁶	73.7	807	26.2	4	0.1	3085 ⁶	100.0
Total	12,655 ⁷	70.2	5,345	29.7	22	0.1	18,022 ⁷	100.0

¹Includes 463 conference calendar cases.

²Includes 443 conference calendar cases.

³Includes 483 conference calendar cases.

⁴Includes 607 conference calendar cases.

⁵Includes 870 conference calendar cases.

⁶Includes 887 conference calendar cases.

⁷Includes 3,753 conference calendar cases.

Several additional screening tables follow:

(a) Screening Classifications by Case Type

Enclosure C, page 22, shows the number of cases classified and the summary calendar percentage by case type. Extracting only the summary calendar percentages for comparison with prior years, we see:

TABLE 27

<u>Case Type</u>	<u>Summary Calendar Percentage (%)</u>					
	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
DIRECT CRIMINAL	73.4	75.4	75.5	78.7	82.3	86.8
CRIMINAL NON-DIRECT	83.0	83.1	77.6	83.8	83.3	80.2
PRISONER CASES						
W/cnsl.	65.6	58.8	47.7	56.2	61.1	47.8
W/O cnsl.	90.1	89.0	89.9	89.2	89.7	91.4
2255						
W/cnsl.	85.2	77.3	75.9	56.0	63.6	75.0
W/O cnsl.	85.7	75.0	81.9	81.2	77.4	70.0
CIVIL						
Diversity	44.6	38.5	47.4	39.4	45.3	36.5
Federal Question	48.3	44.9	32.1	37.8	41.2	35.0
U.S. Civil	51.3	52.9	56.6	50.0	56.0	51.6
Tax	33.3	25.0	31.3	27.3	46.2	25.0
Bankruptcy	50.0	41.3	39.8	47.2	40.0	34.1
NLRB	16.7	50.0	40.0	0.0	0.0	0.0
Social Security	94.4	96.3	79.1	83.4	82.5	88.5
Other Agency	60.2	69.0	63.6	65.9	54.0	58.8

Civil Rights	62.0	64.5	63.9	64.3	61.2	64.8
Tax Court	34.6	33.3	45.5	40.0	23.0	33.3
Mandamus	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>33.3</u>
TOTAL	69.5	69.3	67.7	69.1	71.7	73.7

H. EN BANC PETITIONS

The number of petitions for rehearing en banc decreased (249 to 217). This amounts to en banc petitions being filed in 6.6% of the cases decided by opinion, a decrease from last year.

Of the 212 petitions acted upon, 10 were granted. This is four more than 2001. Of the 198 petitions denied, 9 were denied after a poll. See **Enclosure D**, page 23, for other details.

I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

TABLE 28

<u>Petitions Filed</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Criminal	241	279	231	242	427	628
U.S. Civil	62	40	85	87	89	73
Private Civil	329	323	374	476	511	424
Administrative Appeals	<u>16</u>	<u>10</u>	<u>3</u>	<u>14</u>	<u>13</u>	<u>10</u>
TOTAL	648	652	693	819	1040	1135
<u>Opinions Rendered</u>	3192	2804	3143	3290	3369	3305
<u>% of Petitions Filed to Opinions</u>	17.7	20.3	23.3	22.1	30.9	34.3

There were 1178 actions taken by the Supreme Court compared with 1002 last year. Twelve (12) petitions were granted, eight (8) fewer than last year, or 1.0% granted of the total petitions acted upon. (For additional information, see **Enclosure E**, page 24.)

J. ADMINISTRATIVE-INTERIM MOTIONS

The administrative-interim motions decreased to 3349 from 3801 last year, to an average of 239 initiating actions per active judge, down from 271 the prior year. In part, this may be the continuing result of the January 2001, 5TH CIR. R. changes which granted the "clerk" greater authority to rule on certain motions. However, when panel matters are considered, each judge acted on 1170 such motions, an increase from 1160 last year. See **Enclosure F**, page 25, for other details.

TABLE OF NEW APPEALS DOCKETED BY CASE TYPE AS OF 6/2002

Case Type	(a)	(b)		(c)	(d)												
	Mo. % 2001-02	Cumulative % 00-01 01-02		2000 2001	2001 2002	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Ma y	Jun
CRIMINAL CASES	27.82%	24.77%	25.54%	2134	2237	159	190	179	197	184	191	192	191	180	193	186	195
<u>PRISONER CASES</u>																	
w/counsel	2.57%	2.59%	2.72%	223	238	15	26	26	25	20	13	23	19	22	13	18	18
w/o counsel	34.66%	33.26%	34.54%	2866	3025	238	248	250	294	196	217	259	216	291	282	291	243
Succ Habeas	5.14%	7.94%	5.28%	684	462	82	41	32	27	37	38	43	26	35	32	33	36
Non-Pd Mandamus	2.43%	2.03%	2.16%	175	189	10	21	14	20	13	9	18	14	12	20	21	17
SUB-TOTAL	72.61%	70.59%	70.23%	6082	6151	504	526	501	563	450	468	535	466	540	540	549	509
<u>CIVIL</u>																	
Private Civil	8.70%	10.72%	12.49%	924	1094	119	109	67	88	150	77	84	73	93	81	92	61
Diversity	4.56%	5.00%	6.42%	431	562	69	63	36	45	86	24	45	37	40	45	40	32
Fed. Quest.	4.14%	5.72%	6.07%	493	532	50	46	31	43	64	53	39	36	53	36	52	29
U.S. Civil	1.85%	1.54%	1.61%	133	141	15	5	14	15	7	8	11	6	12	16	19	13
Tax	0.14%	0.16%	0.23%	14	20	2	5	0	2	3	2	2	0	0	2	1	1
Tax Court	0.14%	0.26%	0.30%	22	26	2	6	2	2	1	1	2	5	1	1	2	1
Bankruptcy	1.43%	1.64%	1.54%	141	135	26	11	6	12	8	4	5	15	8	12	18	10
N.L.R.B.	0.14%	0.10%	0.27%	9	24	2	2	2	3	2	2	5	3	1	1	0	1
Other Agency	4.56%	3.89%	3.07%	335	269	15	15	13	10	10	13	25	22	36	33	45	32
Civil Rights	8.99%	9.29%	8.16%	800	715	54	59	59	58	54	48	54	60	67	73	66	63
Soc. Security	1.14%	0.93%	0.88%	80	77	7	8	2	3	5	5	7	4	8	9	11	8
Mandamus	0.29%	0.88%	1.21%	76	106	9	4	5	8	6	5	10	25	14	7	11	2
SUB-TOTAL	27.39%	29.41%	29.77%	2534	2607	251	224	170	201	246	165	205	213	240	235	265	192
TOTAL APPEALS	100.0%	100.0%	100.0%	8616	8758	755	750	671	764	696	633	740	679	780	775	814	701

Legend:

- Col:
- (a): Monthly Percentage Make-Up of the New Filings.
 - (b): The Cumulative Percentage for the corresponding months in 00-01 compared with 01-02.
 - (c): The Cumulative Total Filings for the corresponding number of months in 00-01.
 - (d): The Cumulative Total for 01-02.

WORKLOAD PER ACTIVE JUDGE 2002*

<u>I. SUMMARY CALENDAR CASES</u>			
(a)	Opinions or dispositions as initiating judge	81	
(b)	Participations in opinions or dispositions of other panel members		162
(c)	Sub-total summary calendar cases		243
<u>II. CONFERENCE CALENDAR CASES</u>			
(a)	Opinions or dispositions as initiating judge	60	
(b)	Participations in opinions or dispositions of other panel members		120
(c)	Sub-total conference calendar cases		180
<u>III. HEARING CALENDAR AND OTHER CASES</u>			
(a)	Opinions or dispositions as writing judge	58	
(b)	Participations in opinions or dispositions of other panel members		116
(c)	Sub-total oral argument cases	—	<u>174</u>
IV.	<u>TOTAL OPINIONS (I(a), II(a) and III(a))*</u>	199	
V.	<u>TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b) and III(b))</u>		398
VI.	<u>TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c) and III(c))</u>		597
VII.	<u>PETITIONS FOR REHEARING EN BANC</u>		212
<u>VIII. ADMINISTRATIVE-INTERIM MATTERS</u>			
(a)	Single judge matters	129	
(b)	Participation in panel matters as initiating judge	347	
(c)	Participation in panel matters of other panel members		694
(d)	Sub-total administrative-interim matters	—	<u>1170</u>
IX.	<u>TOTAL MATTERS PARTICIPATED IN PER JUDGE</u>		1979

Based on figures of judges who participated in summary, hearing and conference calendar for full year.

SUMMARY OF SCREENING CLASSIFICATION

BY CASE TYPE

PERIOD: JULY 1, 2001 - JUNE 30, 2002

<u>CASE TYPE</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>TOTAL</u>	<u>% of I and II's to TOTAL CASES</u>
<u>CRIMINAL DIRECT</u>	265	911	175	4	1355	86.8
<u>CRIMINAL NON-DIRECT</u>	9	60	17	0	86	80.2
<u>PRISONER CASES</u>						
HC-W	0	12	19	0	31	38.7
HC-W/O	8	94	22	0	124	82.3
1983-W	0	7	5	0	12	58.3
1983-W/O	92	141	10	0	243	95.9
O. Pris.-W	0	3	0	0	3	100.0
O. Pris.-W/O	41	61	9	0	111	91.9
2255-W	0	3	1	0	4	75.0
2255-W/O	3	11	6	0	20	70.0
<u>CIVIL</u>						
Diversity	0	86	150	0	236	36.5
Fed. Question	5	74	147	0	226	35.0
U.S. Civil	6	26	30	0	62	51.6
Tax	0	2	6	0	8	25.0
Bankruptcy	1	15	31	0	47	34.1
Civ. Rights	32	226	140	0	398	64.8
N.L.R.B.	0	0	4	0	4	0.0
Tax Court	0	3	6	0	9	33.3
Other Agency	0	30	21	0	51	58.8
Social Security	1	45	6	0	52	88.5
Mandamus	0	1	2	0	3	33.3
<u>TOTAL</u>		463	1811	807	4	3085*
73.7						

*Total includes 887 conference calendar cases.

PETITIONS FOR
REHEARING EN BANC

F.Y. 2002
07/01/01 - 06/30/02

TOTAL

Total Pending as of 06/30/01 20

FILED

Petitions for Rehearing
En Banc Filed 217

DENIED

w/poll vote 9
w/p poll vote 189 198

GRANTED

On Court's own motion with
oral argument 2
On Court's own motion without
oral argument 0
On motion of parties with
oral argument 7
On motion of parties without
oral argument 1 10

OTHER 4

Total Pending as of 06/30/02 25

LIST OF PETITIONS FOR CERTIORARI
FILED, ACTED ON AND PENDING

SUMMARY

PERIOD: July 1, 2001 to June 30, 2002

TYPE	<u>PENDING 07/01/01</u>	<u>NUMBER FILED</u>	<u>TYPE OF DISPOSITION</u>			<u>PENDING 6/30/02</u>
			<u>GRANTED</u>	<u>DENIED</u>	<u>DISMISSED</u>	
TOTAL	178	1135	12	1162	4	135
CRIM	72	628	4	663	0	33
USC	9	73	2	69	0	11
PRIV.CIV.	95	424	6	418	4	91
ADM*	2	10	0	12	0	0

*Administrative appeals include applications for enforcement or petitions for Review of orders of an administrative board or agency.

MONTHLY REPORT OF ADMINISTRATIVE-MOTIONS SUBMITTED TO JUDGES (FY 2002)

Motions to or for:	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
Dismiss	23	23	18	24	17	25	32	18	25	21	16	23	265
Reinstate Appeal	1	4	2	3	1	5	2	2	7	4	3	2	36
Appointment of Counsel	0	0	0	3	7	0	2	6	4	8	2	2	34
Expedite Hearing, for Continuance, or Special Assignment	0	1	0	2	2	3	1	5	4	3	4	2	27
Stay or for Injunction and/or Supersedeas Pending Appeal	8	4	5	9	39	21	7	10	28	15	19	20	185
Supplement the Record	2	4	4	3	0	2	4	4	8	2	4	2	39
Strike Briefs, Designations for Printing, etc.	5	7	3	3	2	4	3	2	2	3	4	4	42
Excess Pages in Brief	3	2	6	7	6	3	2	7	3	6	4	3	52
Bail Pending Appeal	4	1	6	2	3	4	1	3	2	0	4	1	31
Interlocutory Appeal (Sec. 1292(b))	3	3	5	4	4	2	4	1	1	1	2	6	36
Jurisdiction	49	40	33	42	45	36	40	49	42	48	42	40	506
Withdraw as Counsel	1	1	0	2	2	0	0	1	1	2	1	0	11
Extensions of Time	9	3	9	7	3	2	7	3	23	4	21	6	97
Certificate of Appealability	60	112	35	130	47	121	34	100	61	110	54	106	970
Leave to Appeal In Forma Pauperis	8	8	53	6	4	3	2	0	4	3	3	7	101
Issuance of COA and Leave to Appeal In Forma Pauperis	7	10	6	6	6	8	6	4	6	5	7	9	80
Mandamus or Prohibition	7	11	9	14	14	7	12	26	21	12	19	11	163
Successive Petitions	47	74	39	33	22	24	18	23	31	33	17	27	388
Miscellaneous Motions	31	26	21	29	15	22	22	14	22	16	36	32	286
<u>TOTALS</u>	268	334	254	329	239	292	199	278	295	296	262	303	3349